

REMARKS

In the Office Action, the claims have been restricted under 35 U.S.C. § 121 as follows:

Group I: Claims 1-15, drawn to a composition for an encapsulant material;

Group II: Claims 16-24, drawn to a method of preparing a molding compound;

Group III: Claims 25-27, drawn to a method of encapsulating; and

Group IV: Claims 28-32, drawn to an optoelectronic device.

The restriction is respectfully traversed.

Applicant provisionally elects to prosecute the claims of Group I, with traverse.

While claims 1-15 of Group I are drawn to a compound, and the claims of Group II are drawn to a method of preparing a molding compound, the compounds of the Group I claims are present within the molding compounds prepared by the methods of the Group II claims. Accordingly, any search directed to either the compound of Group I or the method of preparing a molding compound of Group II would clearly overlap each other. Such co-extensive searching would not present any undue burden on the Office for examination of the claims. Accordingly, restriction of the claims between these groups is inappropriate. As such, withdrawal of the restriction requirement is respectfully solicited.

In addition, the Action indicates that Groups II and I are related as combination and subcombination, and indicates that the combination does not require the particulars of the subcombination because the subcombination can be used with an epoxy composition that comprises a non-uniformly distributed phosphor material. It is noted, however, that Group II claims 16-24 are drawn to a method of preparing a uniformly distributed phosphor material within the epoxy composition. The epoxy compositions of Group I, claims 1-15, all require the uniform distribution of phosphor material throughout the compound. Therefore, because both the compositions of Group I and the methods of Group II require uniform distribution of phosphor material, the claims should be prosecuted together.

With respect to Groups II and III being unrelated, those skilled in the art would recognize that the claims of Group II are functionally related to the claims of Group III, where the Group III claims require a logical extension of the manufacturing process to encapsulate the optoelectronic device subsequent to the preparation of the molding compound.


Application No. 09/875,323
Amdt. Dated July 12, 2004
In Reply to Office Action of June 10, 2004
Attorney Docket No. 3833-010852

The Office Action also asserts that the inventions of Groups III and IV are distinct because they have different functions. In the claims of Group III, the epoxy composition containing the uniformly distributed light-emitting phosphor material is partially cured and later fully cured around an optoelectronic device. The optoelectronic device of Group IV requires an epoxy composition with a phosphor material substantially uniformly distributed therethrough. Therefore, the inventions of Groups III and IV are uniquely interrelated, requiring prosecution of all claims of Groups III and IV within the same application.

In view of the above remarks, withdrawal of the restriction requirement is respectfully solicited. Should the Examiner have any questions regarding any of this information, the Examiner is invited to contact the Applicant's undersigned representative by telephone at (412) 471-8815.

Respectfully submitted,

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